

United States District Court

**EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED STATES OF AMERICA

vs.

SYLVIA JEAN ANDREWS

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Case No. 4:01cr29(5)
(Judge Brown)

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on March 29, 2005 to determine whether Defendant violated her supervised release. Defendant was represented by Bob Jarvis. The Government was represented by Heather Rattan.

On September 28, 2001, Defendant was sentenced by the Honorable Paul Brown to 60 months custody followed by a three year term of supervised release for the offense of distribution of cocaine base. On October 4, 2004, Defendant completed her period of imprisonment and began service of her supervised term.

Thereafter, on March 11, 2005, the United States Probation Officer filed a Petition for Warrant or Summons for Offender Under Supervision. The petition asserted that Defendant violated the following conditions: (1) Defendant shall refrain from any unlawful use of a controlled substance; and (2) Defendant shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to such substances, except as prescribed by a physician.

The petition alleges that Defendant submitted urine specimens on January 14,

2005, February 4, 2005, February 8, 2005, February 14, 2005, and February 15, 2005, all of which tested positive for cocaine.

Prior to putting on evidence, counsel for the parties conferred and agreed that the hearing should be continued indefinitely.

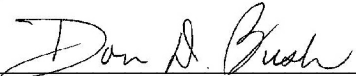
RECOMMENDATION

This Court finds that the Final Revocation Hearing should be continued indefinitely. The Court recommends that Defendant be placed in a comprehensive sanction center and successfully participate in the comprehensive sanction center program for 180 consecutive days.

Within ten (10) days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings and recommendations of the magistrate judge. 28 U.S.C.A. § 636(b)(1)(C).

Failure to file written objections to the proposed findings and recommendations contained in this report within ten days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings and recommendations and from appellate review of factual findings accepted or adopted by the district court except on grounds of plain error or manifest injustice. *Thomas v. Arn*, 474 U.S. 140, 148 (1985); *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988).

SIGNED this 22nd day of April, 2005.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE